

1 Donald Charles Schwartz, Esq. (SBN 122476)
2 Law Offices of Donald C. Schwartz
3 7960-B Soquel Drive, No. 291
4 Aptos, CA 95003
5 831-331-9909; Facsimile 815-301-6556
6 Email: triallaw@cruzio.com

7 Attorney for Plaintiffs
8 Cynthia and Anker Jacobsen

9
10 UNITED STATES DISTRICT COURT,

11
12 NORTHERN DISTRICT OF CALIFORNIA

13
14 CYNTHIA JACOBSEN, ANKER] No. 5:14-cv-03669-EJD
15 JACOBSEN,]
16 vs.]
17 Plaintiffs,]
18 NATIONAL RAILROAD PASSENGER]
19 CORPORATION doing business as]
20 AMTRAK, and DOES 1 through 100,]
21 inclusive,]
22 Defendants.]
23] Date: June 30, 2016
24] Time: 10:00 a.m.
25] Judge: Courtroom 5 – Judge Davila

26 I, Donald C. Schwartz, Esq., declare:

27 [1] I am counsel of record herein for plaintiffs Anker and Cynthia Jacobsen. If called as
28 a witness, I could and would competently testify as follows:

29 [2] The plaintiffs have claimed that I am in a “conflict of interest” because I am
30 representing the both of them (husband and wife) in the same action and “should have filed
31 separate actions.”

32 [3] While it is common for attorneys to represent husband and wife couples in the same
33 actions, I wish to honor their perspective and move to withdraw from the case.

34 [4] Plaintiffs are also not cooperating with me by refusing to provide the resources
35 necessary for its prosecution as required by California law and by contract.

[5] I have advised plaintiffs to secure new counsel to represent them in this action, but they have failed to do so.

A stay of the proceedings would assist the plaintiffs in securing counsel without harm to their rights.

[6] For additional reasons for the Motion to Withdraw, I am willing to disclose in-camera.

THEREFORE, I respectfully request that this Court grant me leave to withdraw as counsel in the above-captioned matter and enter an order stating I am so withdrawn (and the Law Office of Donald C. Schwartz).

Dated: May 5, 2016

/s/ ***Donald Charles Schwartz***

Donald Charles Schwartz
Attorney for Plaintiffs
Cynthia and Anker Jacobsen

CERTIFICATE OF SERVICE

I, Donald C. Schwartz, hereby certify that on May 5, 2016, I caused a true and correct copy of the foregoing **DECLARATION OF DONALD C. SCHWARTZ, ESQ. IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFFS** to be filed on behalf of Plaintiffs Cynthia and Anker Jacobsen, with the Clerk of the Court using the Court's CM/ECF system, which will send automatic notification of the filing to the following counsel of record:

B. Clyde Hutchinson, Esq.

Kara A. Abelson, Esq.

Lombardi, Loper & Conant, LLP.

Lake Merritt Plaza

1999 Harrison Street, Suite 2600

Oakland, CA 94612-3541

Fax: 510-4332699

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed on May 5, 2016 in Santa Cruz County, California.

/s/ Donald Charles Schwartz

Donald Charles Schwartz

1
2 **PROOF OF SERVICE BY MAIL/FACSIMILE/EMAIL**
3

4 I declare that I am employed in the County of Santa Cruz, California; that I am over the age of
5 eighteen and am not a party to the foregoing action. My business address is 7960 Soquel Drive, No. 291,
6 Aptos, CA 95003.

7 On the date shown below, I served the following document(s):
8

9 **DECLARATION OF DONALD C. SCHWARTZ, ESQ. IN SUPPORT OF MOTION TO**
10 **WITHDRAW AS COUNSEL FOR PLAINTIFFS**

11 on each person named below by placing a copy in an envelope addressed as shown below and placing
12 the envelope for collection and mailing on the date and at the place shown above following our ordinary
13 business practices. I am readily familiar with this business practice for collecting and processing
14 correspondence for mailing. On the same day that correspondence is placed for collection and mailing it
15 is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope
16 with postage fully prepaid and by email.

17 Cindy Jacobsen
18 P.O. Box 461
19 Silverado, CA 92676

20 Anker Jacobsen
21 P.O. Box 461
22 Silverado, CA 92676

23 I declare under penalty of perjury that the foregoing is true and correct to the best of my
24 knowledge and that this declaration was executed on May 5, 2016 in Santa Cruz County, California.

25 */s/ Donald Charles Schwartz*

26

27 Donald Charles Schwartz
28